

Appl. No. 10/618,870
Amdt. dated March 28, 2005
Reply to Office Action of December 7, 2004
Attorney Docket No. 4219-031010

REMARKS

Claims 1-10 are pending in the application.

Claims 4, 5 and 7 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner considers these claims as being indefinite because it is unclear if Applicant is claiming the subcombination of the hinged cover or the combination of the hinged cover and cooking utensil. The Examiner asks if the cooking utensil is part of the claimed invention in claims 4, 5 and 7. Claims 4, 5 and 7 have been amended to recite that the hinged cover is "adapted to fit" on a soup pot, thus making it clear that the soup pot is not being claimed in combination with the hinged cover. Applicant regards the subcombination directed to the hinged cover as the invention. The Examiner's reconsideration is requested.

Claim 1 has been amended to more fully define the invention by further specifying that the hinged lid is used in the environment of (a) a self-serve cooking utensil; that the (b) cover body has a wedge-shaped cutout portion; (c) that the hinged section is also wedge-shape substantially the same shape and dimensions as the cutout portion; and (d) the hinged section is pivotally attached to the cover along a central portion of a diameter of the cover body. All of these amendments find support in the specification, see paragraph 0002 for self-serve cooking utensil and paragraph 0013 for the wedge-shaped hinged section and mounting position.

In this manner, the hinged section may be lifted from the cover to provide maximum space for removing or adding food to the interior of the cooking utensil by virtue of the wedge shape of the cutout portion and the location of the hinge along a central portion of a major diameter of the cover. The cover body remains stable on the rim of the cooking utensil because the circumferential perimeter of the hinged section is less than 50% of the total circumference of the cover (claim 1) and, ideally, between about 1/4 to 1/3 the total circumference (claim 2).

Clearly, none of the cited prior art teaches or suggests the hinged cover now defined in amended claim 1.

Claims 1-4 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,193,441 to Hayashi. Hayashi is directed to a commercial cooking pot having an electrically driven stirrer mounted on the lid 10 at the center thereof. The lid 10 is fastened to the pot 11 by way of bolts 14 and nuts 16. Hayashi includes a hinged portion 39 which is attached by a hinge 34 along a cord of the lid (not along the diameter). As such, the hinged portion 39 is not wedge-shaped. The hinge 34 of Hayashi cannot be placed along a major diameter at the center of the lid because that portion of the lid must be obstruction-free {W0177066.1}

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to permit passage of the paddle stirrer shaft 33 for coupling to the motor drive shaft 34. Clearly, Hayashi is not a self-service lid. Nor would there be any problem of the lid becoming dislodged from the pot, since Hayashi's lid is bolted to the pot. Applicant's wedge-shaped hinged portion mounted along a central portion of a major diameter of the lid provides for a maximum opening while providing stable lid seating since the cutout is less than 50% of the circumferential perimeter of the lid. Hayashi does not anticipate Applicant's claimed structure, nor does Hayashi fairly suggest the claimed structure. As stated above, Hayashi's cutout portion 39 is not wedge-shaped, nor could it be modified to be pivotally mounted at the center of the lid 10 because that portion is occupied by the motor and its rotating shaft.

Claims 1-4 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,485,602 to Fleischer. Fleischer discloses a double boiler type cooking utensil and teaches a lid 6 pivotally attached at hinge 7 to the inner container. A lever 11 may be pressed by the user to pivot the lid 6. The lid 6 also has a hinged portion 8 which is pivotally attached to the lid 6 by hinges 9 along a chord of the lid 6 to provide "a small entrance opening without uncovering the entire container" (page 1, lines 77-79). The portion 8 is not wedge-shaped, nor is it mounted at a major diameter of lid 6. The hinged cover defined in amended claim 1 is not anticipated nor rendered obvious by the lid disclosed by Fleischer.

Claims 5, 6 and 7 stand rejected under 35 U.S.C. §103(a) as being obvious over Fleischer in view of U.S. Patent No. 6,273,288 to Jarvis. Jarvis is cited for its disclosure of a hinged cover having a notched cutout for a spoon or ladle and for its disclosure of a perimeter having an inverted U-shape. As stated above, Fleischer does not teach a wedge-shaped hinged section that is pivotally attached along a central portion of a diameter of the cover body, nor does the rectangularly-shaped hinged section 20 of Jarvis disclose or suggest the wedge shape and pivotable mounting position of the hinged section defined in amended claim 1. Claims 5, 6 and 7 all depend either directly or indirectly from amended claim 1 and are, likewise, in allowable condition because they include this structure.

It is further not understood how an operable combination of Fleischer and Jarvis could be constructed. More particularly, it is not understood how a lid 6 with an inverted U-shaped perimeter could be formed at the region adjacent the hinge 7 and thereafter permit the lid 6 to be swung open. It would appear that the outer edge of an inverted U-shaped perimeter of the modified Fleischer structure would pivot into and strike

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the sidewall of the utensil, thus preventing it from functioning in its intended manner. The combination is thus unsound.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fleischer in view of U.S. Patent No. 5,994,672 to Mestnik. Mestnik is applied for its disclosure of 300 series stainless steel. Applicant readily admits that it has long been well known in the art to use 300 series stainless steel for cookware lids. Fleischer, however, fails to teach or suggest the structure now defined in amended base claim 1, from which claim 8 depends and, accordingly, claim 8 should be in condition for allowance.

In light of the amendments made herein, taken with the above remarks, claims 1-10 are in condition for allowance. The Examiner's reconsideration and favorable action are respectfully requested.

Respectfully submitted,

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